

article was labeled in part: "Formula 8-12 Vitamins—Minerals Contains Soy Bean Meal, Wheat Embryo, Gum Karaya, Brewer's Yeast, Kaolin, Kelp, Activated Ergosterol, Natural Vitamin A Ester, Thiamin Hydrochloride, Riboflavin, Dicalcium Phosphate, Iron Bihydrogen, Potassium Iodide and Oil of Orange."

The article was alleged to be misbranded in that statements which appeared on the label which represented and suggested that the article was of significant nutritional value by reason of the presence therein of Vitamin E, Vitamin B₁₂, and other factors of the B complex as found in brewer's yeast and the elements, potassium, sulfur, sodium, magnesium, copper, zinc, chlorine, and manganese were false and misleading since the product was not of significant value by reason of the presence therein of such vitamin factors and elements.

It was alleged to be misbranded further in that representations in the labeling that consumption of the product would insure normal functioning of the brain, eye, pituitary gland, parathyroid gland, thymus, heart, liver, and gall bladder, stomach and digestive system, gastro-intestinal tract, pancreas, suprarenals and adrenals, kidneys, bladder, gonads, prostate, nerves, arteries, veins, lymphatics (blood and blood vessels), muscles, bones, and joints, ligaments, tendons, and marrow, pineal gland, the ear, eye, spinal cord, spleen, hair, skin, complexion, teeth and gums, thymus, lungs, mammary gland, reproductive system (ovary, placenta, prostate-gonads, etc), and the nails, and that the article would be efficacious in the treatment or preventions of colds, infections of the lungs, formation of kidney stones and infections, the formation of bladder stones, cystitis, and other bladder infections, muscular spasms, cramps, exhaustion, inflammation, and paralysis, ulcer of the eye, conjunctivitis, cataracts, and night blindness, scaliness, dryness, paleness of the skin and various skin sores, gum infections, scurvy, and loose teeth, and would be efficacious to promote health, and cause the hair to be glossy and healthy were false and misleading since consumption of the article would not insure normal functioning of the various organs of the body as represented and would not be efficacious in the treatment or prevention of the various disease conditions mentioned and suggested.

The article was also alleged to be misbranded under the provisions of the law applicable to foods reported in food notices of judgment.

On April 22, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

945. Misbranding of Vita Malt with Natura Calcium Compound. U. S. v. 51 Combination Packages of Vita Malt with Natura Calcium Compound. Default decree of condemnation and destruction. (F. D. C. No. 5226. Sample No. 60296-E.)

These articles were represented as being effective in reducing body weight and as valuable in the treatment of a wide variety of pathological conditions.

On July 30, 1941, the United States attorney for the Western District of Washington filed a libel against 51 combination packages of Vita Malt with Natura Calcium Compound, alleging shipment on or about May 23, 1941, from Los Angeles, Calif., to Olympia, Wash., by the Natura Remedy Co., Los Angeles, Calif. In each combination package were articles labeled in part: (Bottle) "Vita Malt Contains Vitamins," (package) "Natura Calcium Compound," (circular) "Do you know that Vitamins Build Health," and (leaflet) "Now You can Reduce Safely."

Analysis of a sample of Vita Malt showed that it was essentially a malt extract, with small amounts of saponifiable oils, water, and sodium benzoate.

It was alleged to be misbranded in that the statements on the label representing and suggesting that it would be effective in reducing body weight were false and misleading, since it was not effective for this purpose. It was alleged to be misbranded further in that the statements in the labeling representing and suggesting that it would be of value in the treatment of a variety of pathological conditions such as anemia, nervousness, sleeplessness, glandular disturbances, lack of appetite, infections, rheumatism, neuritis, and arthritis were false and misleading since it would be of no value in the treatment of such pathological conditions.

Analysis of a sample of "Natura Calcium Compound" showed that it was a mixture of sodium bicarbonate and calcium salts.

The article was alleged to be misbranded in that it was offered as effective in the treatment of colds and grip, whereas it would not be effective for this purpose.

The Vita Malt was also alleged to be misbranded under the provisions of the law applicable to food, as reported in food notices of judgment.

On December 1, 1941, the Natura Remedy Co. having intervened and petitioned for removal of the case, the court entered an order removing it to the Southern

District of California. The Government thereupon filed a motion to remand the case to the Western District of Washington on the ground that the parties had stipulated for transfer to the Northern District of California and that the Southern District of California had no jurisdiction. On March 24, 1942, the Government's motion to remand the case was denied by the court without opinion. On October 13, 1942, the petition of intervention and answer of the Natura Remedy Co. having been withdrawn, a default judgment of condemnation was entered and the product was ordered destroyed.

946. Misbranding of Vitaminerals. U. S. v. 6 Bottles of Vitaminerals VM No. 1, et al. Default decree of condemnation and destruction. (F. D. C. Nos. 7938, 7939, 7941, 7942. Sample Nos. 81451-E, 81452-E, 81454-E to 81456-E, incl.)

On July 29, 1942, the United States attorney for the District of Colorado filed a libel at Denver, Colo., against 6 bottles of Vitaminerals VM No. 1, 7 boxes of Vitaminerals VM No. 1+, 8 bottles of Vitaminerals VM No. 100, and 35 bottles of Vitaminerals VM No. 120. A part of one of the shipments consisted of some booklets entitled "Vitamineral Therapy" and some cards entitled "Therapy Chart Doctors' Reference Chart." The article had been consigned in interstate commerce within the period from on or about May 5 to 27, 1942, by Vitaminerals Co. from Los Angeles, Calif.

Examination of a sample of Vitaminerals VM No. 1 showed that the article consisted mainly of rhubarb root with smaller proportions of other plant materials, including Irish moss, okra, cranberry fruit, and parsley leaf. The tablets, including coating, weighed 0.7 gram each, of which 0.2 gram was mineral matter. The article was alleged to be misbranded in that the statements in the booklet entitled "Vitamineral Therapy" and upon the card entitled "Therapy Chart Doctors' Reference Chart," relating to the article, were false and misleading since they represented and suggested that the preparation was essentially a vitamin constipation tablet or a vitamin-mineral laxative, and was a dietary supplement and a food. In fact, the preparation was not a vitamin constipation tablet or a vitamin-mineral laxative but was essentially a rhubarb laxative, and was not a dietary supplement or food. It was alleged to be misbranded further in that it was represented and suggested as a primary or secondary supplement in cases of arthritis due to excess calcium, arthritis due to systemic origins, colds, hemorrhoids, neuralgia, neurosis, obesity, and tonsillitis, whereas it would not be effective for any of these conditions.

Examination of a sample of Vitaminerals VM No. 1+ showed that the article consisted essentially of plant materials including rhubarb root, cascara sagrada, Podophyllum, Irish moss, cranberry fruit, parsley leaf, okra, a pungent drug such as cayenne pepper, and traces of peanut hull, and seed coat tissues. The article was alleged to be misbranded in that the statements appearing in the booklet and the card referred to above concerning this article were false and misleading since they represented and suggested that it was a vitamin laxative, or a vitamin-mineral laxative, and a dietary supplement, whereas it was essentially a rhubarb, cascara, and Podophyllum laxative, and was not a dietary supplement. It was alleged to be misbranded further in that it was offered as a primary, or secondary supplement in the treatment of cases of colds, intestinal cramps, hemorrhoids, systemic hypertension, biliary stasis, engorgement of the liver, jaundice, malaria, neuralgia, neurosis, obesity, and tonsillitis, whereas it would not be efficacious for these purposes.

Examination of a sample of Vitaminerals VM No. 100 showed that the article was a vaginal suppository consisting of gelatin capsules containing mineral matter, principally iron sulfate and aluminum sulfate with a small fraction of 1 percent of a phosphate. The article was alleged to be misbranded in that the statement appearing on the label, "containing ferric sulfate, ferrous sulfate, and ferric phosphate" was false and misleading since the article did not contain any ferrous sulfate or any ferric sulfate, but did contain a material amount of aluminum sulfate and but an insignificant proportion of ferric phosphate. It was alleged to be misbranded further in that the therapeutic claims made for it in the booklet entitled "Vitamineral Therapy" and upon the card entitled "Therapy Chart Doctors' Reference Chart," were false and misleading since such statements represented and suggested that the preparation would be beneficial in the treatment, among other things, of endocervicitis, endometritis, vaginitis, polypus, cysts, abnormal tissue, leucorrhea, dysmenorrhea, and amenorrhea, whereas the preparation would not be effective for such conditions.